

RETURN TO OS REGISTRY

23 AUG 1978

OS REGISTRY  
FILE *See 18*

SUBJECT: DCI Authority re Denial of Sensitive Compartmented Information (SCI) Access Approvals

1. A review of the pertinent policy issuances reflects that the authority to grant security clearances and Sensitive Compartmented Information access approvals is decentralized. Specifically with reference to the denial of security clearances or of SCI access approvals, there is no explicit authority found in such references for the Director of Central Intelligence to deny issuance of a security clearance or SCI access approvals to an employee outside the Central Intelligence Agency, the Office of the Director of Central Intelligence, or select non-NFIB agencies.

2. Executive Order 12036, United States Intelligence Activities, in Section 1-605, states that:

"The Director of Central Intelligence shall ensure that programs are developed which protect intelligence sources, methods and analytical procedures, provided that this responsibility shall be limited within the United States to:

- (a) Using lawful means to protect against disclosure by present or former employees of the CIA or the Office of the Director of Central Intelligence, or by persons or organizations presently or formerly under contract with such entities; and
- (b) Providing policy, guidance and technical assistance to departments and agencies regarding protection of intelligence information, including information that may reveal intelligence sources and methods.

In Section 1-710, Executive Order 12036 states that senior officials of each Intelligence Community agency shall:

"Protect Intelligence and intelligence sources and methods consistent with guidance from the Director of Central Intelligence and NSC."

3. While the above citations do not represent explicit references to permit the Director of Central Intelligence to deny the issuance of a security clearance or an SCI access approval on an applicant for employment by another Agency within the Intelligence Community, these sections of Executive Order 12036 might serve as adequate reference for the DCI to inform the senior official of another Intelligence Community agency that a specific individual does not meet, in his view, the personnel security criteria required for access to intelligence or intelligence sources and methods including Sensitive Compartmented Information.

4. DCI Directive No. 1-14, dated 13 May 1976, establishes minimum personnel security standards governing eligibility for access to Sensitive Compartmented Information. Promulgation of this Directive represented DCI guidance in the implementation of the personnel security program for the Community with reference to compartmented access. Notification by the DCI to a senior Intelligence Community official that a specific individual is lacking in discretion in the light of DCID No. 1-14 personnel security criteria would certainly constitute supplemental guidance in this area. In such a case, a senior official of the Intelligence Community would, at the very least, find it difficult to grant SCI access contrary to the DCI's advice.

5. In summary and with respect to the incident case, it is felt that the Director of Central Intelligence has sufficient basis to notify the senior official of another Agency within the Intelligence Community that:

(a) The individual has displayed a significant lack of discretion to the extent that under the provisions of DCID No. 1-14 continued security approval for access to Sensitive Compartmented Information is not justifiable; and

(b) In deference to the DCI's conclusion in this regard, the individual should not be granted access to any intelligence information, information pertaining to intelligence sources, methods and analytical procedures, including Sensitive Compartmented Information.

MEMORANDUM FOR: D/Security

Nine copies of the attached, prepared by PPG, were delivered to the ADDA this morning along with the  packages.

DD/Security

Date 23 August 78

FORM 5-75 101 USE PREVIOUS EDITIONS

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